

REMARKS

Applicant's Reply to the
Objections To the Drawings

The drawings have been objected to for failing to comply with 37 C.F.R. § 1.84(i) because the "lines, numbers, and letters [are] not uniformly thick and well defined, clean, durable, and black (poor line quality)." The drawings have also been objected to for failing to comply with 37 C.F.R. § 1.84(g) because the left and bottom margins of the drawings are "not acceptable." Please replace sheets 1-12 (showing FIGS. 1-9) of the present set of informal drawings with the enclosed replacement sheets 1-12 (showing FIGS. 1-9) of formal drawings. A Submission of Formal Drawings is being filed concurrently herewith.

Applicant's Reply to the
Rejections of the Claims

Claims 1-41 and 50-89

Claims 1-4, 6-15, 17-20, 22-24, 26-29, 31, 32, 35-37, 50, 52, 54-65, and 67-70, 75-77, and 83-85 were rejected under 35 U.S.C. § 102(e) as being unpatentable over LaJoie et al. U.S. Patent No. 5,850,218 (hereinafter "LaJoie"). Claims 5, 16, 21, 25, 30, 33, 34, 38-41, 51, 53, 66, 71-74, 78, 81, 82,

and 86-89 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of several allegedly well-known program guide features. These rejections are respectfully traversed.

As set forth in independent claims 1 and 50, applicant's invention is directed towards a system and method for displaying a television program while simultaneously displaying, in a partial screen program guide, program listings that include at least one video-on-demand program listing. Applicant's invention, as defined by independent claims 27 and 75, is directed towards a system and method for allowing a viewer to advance order a video-on-demand program that is represented as a program listing on a display.

It should be noted that applicant's invention is directed towards video-on-demand programs. Applicant's invention provides a video-on-demand program guide system with improved capabilities for viewing and selecting television programs.

With regard to claim 1, the Examiner contends that LaJoie teaches "display[ing] a partial screen program guide onscreen (508) at the same time as a TV program, the EPG displaying information on a VOD program listing (Figure 25,

508)" (July 5, 2002 Office Action, page 2). However, FIG. 25 clearly shows a pay-per-view interface and not a video-on-demand interface. As explained in the background of applicant's specification, video-on-demand systems are not pay-per-view systems. Pay-per-view systems offer viewers "a relatively small number of programs shown at only a few pre-determined broadcast times" (Applicant's specification, page 2, lines 1-2). In stark contrast, "video-on-demand systems allow viewers to watch the programs contained in the database at virtually any time" (Applicant's specification, page 2, lines 14-16). Because LaJoie fails to show or suggest applicant's invention, claim 1 is therefore not anticipated by Lajoie and is in condition for allowance.

Applicant's argument for the patentability of claim 1 can also be applied to independent claims 27, 50, and 75. Claims 5, 16, 21, 25, 51, 53, 66, and 71-74 are patentable because they depend from independent claims 1 and 50. Claims 30, 33, 34, 38-41, 81, 82, and 86-89 are patentable because they depend from independent claims 27 and 75.

Claims 42-49 and 90-97

Claims 42-48 and 90-97 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of Florin et al. U.S. Patent No. 5,583,560 (hereinafter "Florin"). Claims 49 and 97 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of Florin in further view of Alexander et al. U.S. Patent No. 6,177,931 (hereinafter "Alexander"). These rejections are respectfully traversed.

Applicant's invention, as defined by independent claims 42 and 90, relates to a system and method for allowing a viewer to request a video clip preview of a video-on-demand program that is represented as a program listing on a display. The program listing notifies the viewer whether a video clip preview exists for that particular video-on-demand program.

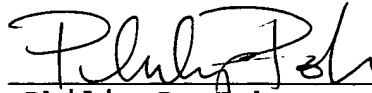
The Examiner contends that LaJoie "discloses an EPG system which allows a user to browse VOD programming" (July 5, 2002 Office Action, page 11). The Examiner concedes that while LaJoie "does not disclose the ability to request a video clip preview . . . Florin discloses an EPG system, with VOD programming . . . that includes a preview icon which allows a subscriber to request playback of a trailer for a VOD program in a video window" (July 5, 2002 Office Action, pages 11-12).

However, both LaJoie and Florin show pay-per-view systems. While the Examiner states that Florin discloses an EPG system with VOD programming in FIG. 38, Florin discloses "a preview icon 382 . . . along with a preview trailer which is continuously looping and is displayed in a half-screen picture-in-picture window" that is presented in response to a viewer's selection of a pay-per-view program (Florin, column 22, lines 59-65). Again, as described above and as explained in the background of applicant's specification, video-on-demand systems are not pay-per-view systems. Pay-per-view systems offer viewers "a relatively small number of programs shown at only a few pre-determined broadcast times" (Applicant's specification, page 2, lines 1-2). In contrast, "video-on-demand systems allow viewers to watch the programs contained in the database at virtually any time" (Applicant's specification, page 2, lines 14-16). Because LaJoie and Florin do not show or suggest applicant's invention, independent claims 42 and 90 are allowable over LaJoie and Florin, whether these references are taken alone or in combination. Dependent claims 43-49 and 91-97 depend from independent claims 42 and 90, respectively, and are allowable because independent claims 42 and 90 are allowable.

Conclusion

The foregoing demonstrates that claims 1-97 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



Philip R. Poh
Reg. No. 51,176
Agent for Applicant
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000
Fax: (212) 596-9090

I hereby certify that this
Correspondence is being
Deposited with the U.S.
Postal Service as First
Class Mail in an Envelope
Addressed to:
COMMISSIONER FOR
PATENTS P.O. BOX 2327
ARLINGTON, VA 22202 on Oct 2, 2002

 J. Schmitt
Signature of Person Signing